



**SHREWSBURY PLANNING BOARD  
SHREWSBURY, MASSACHUSETTS**

**MINUTES**

Regular Meeting: June 12, 2003 - 7:00 P.M.

Location: Selectmen's Hearing Room - Municipal Office Building

**Present:** Melvin P. Gordon, Chairman  
Jonathan B. Wright, Vice-Chairman  
Kevin F. Capalbo  
Stephan M. Rodolakis

**Also Present:** Eric Denoncourt, Engineer/Planner

**Absent:** Jill R. Myers, Clerk  
John D. Perreault, Town Engineer

Mr. Gordon opened the meeting at 7:00 P.M.

**1. Approved Minutes of May 1, 2003**

The Planning Board approved the Minutes of May 1, 2002 as submitted, with Mr. Rodolakis abstaining from the vote, as he was not at the meeting.

**2. Signed bills – no bills**

**3. Meetings and Hearings**

**7:00 P.M. Board Member Comments**

**7:05 P.M. Silver Gate Farm, Definitive Subdivision Plan  
Continued Public Hearing (from April 10, 2003)  
(Decision Deadline: August 1, 2003)**

Attending the hearing were Frank and June Tomaiolo – the developers, and John Grenier – the engineer from J.M. Grenier Associates. Mr. Rodolakis abstained from the hearing due to possible conflict of interest.

Mr. Grenier said at the last hearing there was a continuance so the Engineering Department could review some final revised plans. Since that time they have gotten some minor comments from the Conservation Commission and Planning Board through the Engineering Department. He believes that all issues have been satisfactorily addressed at this time, with the Engineering Department.

Mr. Grenier said they have closed with the Conservation Commission.

Mr. Gordon asked Mr. Denoncourt if Engineering was satisfied with the answers to the comments. Mr. Denoncourt said, as noted in his letter dated June 10, 2003, there are a few minor revisions to the plans that can be incorporated in the decision, and said for the most part the plans seem to be in order.

Mr. Gordon informed the Tomaiolos that this is a four lot subdivision and although the lot in front is a Form A, it was put in the subdivision. He said it will go in the Covenant, and as soon as it is built, it can be taken out. The Tomaiolos said that was fine.

Mr. Gordon officially closed the hearing. The Board voted to approve the Definitive Plan for the Silver Gate Farm Subdivision, with Mr. Rodolakis abstaining from the vote.

**7:20 P.M.      Office Building, Grafton Street, Site Plan Approval  
Public Hearing  
(Site Plan Approval Deadline: 65 days from close of hearing)**

Mr. Rodolakis abstained from the hearing. Attending the hearing were Frank and June Tomaiolo – the developers, and Kevin Quinn – the engineer from Quinn Engineering.

Mr. Quinn said 307 Grafton Street is a two-story office building. He said the building, basically, is two 5500 sq. foot levels, with two levels of parking. He said the north level is at-grade access to the second floor of the building and the south parking level gives at-grade access to the first level of the building. He said that handicap accessibility and is convenient for people who use it. He said he thinks it's useful from the Planning Board's standpoint because it breaks up the visual aspect of the parking and it gives a more attractive look.

Mr. Quinn said each parking area is 15 spaces, in accordance with the zoning requirement. He said the north parking area accesses Grafton Street, and the south parking area accesses Grafton Circle/Memorial Drive.

Mr. Quinn said they preserved stone walls and trees wherever possible. He said they made an effort in this design to work around those features and make them part of the site itself.

Mr. Quinn said, as far as traffic, there are two accesses. He said, using ITE total standards for office use, they have a total traffic estimate of 137 vehicles per day. He said because it's office use, it's not really an intense traffic burden on those two streets.

Mr. Quinn said regarding the site distance from Grafton Street, a vehicle pulling out and looking to the right, have visual access all the way to the intersection, which is about 370 feet. He said looking to the left down Grafton Street, there will be 350 feet of visual access, inclusive of clearing they will need to do in this area on site. He commented the speed limit is 30 MPH on Grafton Street, and the required site distance is 200 feet, so this more than adequately satisfies the site distance.

Mr. Quinn said on Route 140, there will be 500 feet or greater site distances in both directions using the Mass. Highway standards.

Mr. Quinn said the site will be serviced by municipal water and the building will be sprinklered. He said there is a septic system on the easterly side of the site, which the design will be submitted to the Board of Health for approval.

Mr. Quinn said, regarding drainage on site, roof gutters will drain into a dry well. He said they have called for an infiltration basin for stormwater treatment to catch run-off from parking areas, and the system drains out into the street system on Memorial Drive.

Mr. Quinn said they submitted a photometric plan in accordance with the requirements. He said there were some questions about that from Engineering. He submitted back to the Town a modified plan, which conforms with the guidelines that the Engineering Department has asked them to accommodate.

Mr. Quinn said they did get Engineering comments, and he did submit back to them on June 11, 2003, and he doesn't know if they have had the opportunity to look at it.

Mr. Quinn said a new requirement is that they put a sidewalk around the perimeter of the site. He said this is something they asked for relief from and they were told it was in the Bylaw. He said they are asking the Board to assist them in of two ways, or maybe both ways. He said in this business district area, in his opinion, it is not really conducive to pedestrian traffic, and he didn't think there would be a lot of necessity or use of sidewalk. He said this particular site has an excess of 800 feet of frontage, so a sidewalk is kind of a burden for something that may not see a lot of use.

Mr. Quinn said they are asking the Board to consider or maybe work with them to come up with a way to work around this sidewalk requirement. They proposed a couple of ideas:

- 1) They propose to put a sidewalk in at such time that Memorial Drive gains sidewalks that they can connect into;
- 2) They also ask that the Planning Board give them the leeway to carry a variance request to the Zoning Board of Appeals, and ask the ZBA to grant them a variance on relief of the sidewalk.

Mr. Gordon asked what the distance was between the drive on Memorial Drive and the exit into Route 9? Mr. Quinn said it is not over 250 feet, it is less than 100 feet.

Mr. Gordon said the Fire Chief has asked to have hydrants 300 feet away. Mr. Quinn said the nearest hydrant is 285 feet from the property line and to the building it is like 299-1/2 feet. Mr. Gordon said on the Route 140 side, there are no hydrants there and it is not the Board's purview, but it probably would benefit them to put a siamese connection on the building. Mrs. Tomaiolo said that was fine.

Mr. Gordon asked if there was green space, such as in the parking area. Mr. Quinn said within the parking area there was not, but adjacent to the parking area, on three sides of both parking areas there is.

Mr. Gordon asked Mr. Denoncourt if he was working with them on the lighting plan. Mr. Denoncourt said he was. He said the plans were submitted yesterday, he briefly looked at them, but he really didn't have a chance to review them for the comments. He said he believes that his original comments dated June 4, 2003, those could be incorporated into a decision.

Mr. Gordon said regarding the sidewalk issue, he wonders if they can account for the sidewalks, and have it as an area that is noted for sidewalks to be built at some future time, and tie it in with what the State does. He asked if they can require the sidewalks but allow them not to be built at this time. Mr. Denoncourt said, ultimately, that would be up to the interpretation of the Building Inspector. Mr. Gordon said the Board could suggest it in their Decision for the Building Inspector to decide.

Christopher Kirk, 40 Westwood Drive, expressed concern for the driveways going out onto these main roadways, especially without deceleration lane. He is concerned about the safety of cars. Mr. Quinn said the nature of office use is not a transitory occupant.

Helen McLaughlin, 37 Old Laxfield Road, also expressed concern for cars entering on the main roadways.

Mr. Gordon officially closed the hearing, subject to the request to the Building Inspector for the relief of sidewalks being built now, and to insert the comments of Mr. Denoncourt's letter dated June 4 2003.

**7:35 P.M. Sara (Howe) Road, Definite Plan for an Existing Private Undeveloped Road  
Continued Public Hearing (from April 10, 2003)  
(Decision Deadline: July 15, 2003)**

Attending the hearing was John Grenier – the engineer from J.M. Grenier Associates.

Mr. Grenier said they are proposing to change the name of the road from Howe Road to Sara Road, because there is an existing Howe Avenue in Town.

Mr. Grenier said they have received comments from the Engineering Department. He said primarily there were some slope changes to make sure that they meet the maximum 2% slope, for 50 feet coming into the subdivision road.

Mr. Grenier said they are looking for a waiver for a 24-foot wide paved roadway. He said this roadway would be approximately 250 feet in length and it will have a turn around for emergency vehicles. He said they can't tie into sewer that exists in Prospect Street by gravity. He said they will be pumping up to gravity, however, they are installing some dry sewer if this road is extended in the future. He said this road, physically, parallels Holman Street.

Mr. Grenier said they are putting in all other public utilities – water, electric, and gas. He said they are putting in a hydrant on the north side, at the end of the roadway.

Mr. Grenier said they are also incorporating stormwater management requirements, including a small detention basin which will be taking the run-off from the proposed roadway.

Mr. Grenier said they are also looking for a waiver to use slope granite curbing, which is consistent with a lot of the proposed subdivisions around town.

Mr. Grenier said they will be going to the Conservation Commission within the next month. He said, although this area is wet on site currently, this is basically a drainage ditch that takes drainage from the Masonic property. He said it's piped all the way across the street down about 100 feet. He said it comes cross-country and outlets on the south side of the Howard's property. He said this is basically a drainage ditch that goes into a more substantial wetlands that ends up going down to Tip Pond. He said this is a drainage channel, so they don't see it as a large impact as far as the Conservation Commission is concerned, however, they will be going before them within the next month.

Mr. Wright asked if he knew if there were any problems with that drainage now. Mr. Grenier said it's piped from the hill of the Masonic property, and there is a flat area that ponds, and a 12-inch pipe that goes across country. He said he is not aware of any drainage problems or any blockages. Mr. Wright asked if the area they will be affecting, if they will be replacing the drainage with new drainage. Mr. Grenier said they were, and where it crosses the roadway, they will be upgrading that pipe. He said the one area that they need to discuss with the Engineering Department, is how to they make a transition. He said there is a corrugated metal pipe at one end, and it looks like concrete at another part. He said he thinks it is an old pipe that was put in over time a long time ago. He said they would like to make a transition from whatever type of pipe it is, at the property line, and bring it in with something that is up to today's standards, so it will work property.

Mr. Wright said at the last meeting, there was discussion about the turn-around at the end, and asked if they were going to stay with the hammerhead turn-around. Mr. Grenier said they were.

Mr. Denoncourt said there are some outstanding comments to be addressed, but most of the major issues have been addressed, and it has not been filed with the Conservation Commission yet, which will be in July.

Christopher Kirk, 40 Westwood Road, asked about the drainage out there. Mr. Grenier explained the drainage system. Mr. Kirk asked if they were going to be responsible for the run-off from the Masonic property, and Mr. Grenier said they would not.

Mr. Gordon continued the hearing to August 7, 2003, at 7:05 P.M.

**7:50 P.M.      Ashford Crossing, Residential Development, Site Plan Approval  
Public Hearing  
(Site Plan Approval Deadline: 65 days from close of hearing)  
(Special Permit Deadline: 90 days from close of hearing)**

Mr. Gordon said SSR Realty has asked for an extension and a continuance, and the Board has granted it, to July 10, 2003, at 7:05 P.M.

**7:50 P.M.      Ashford Crossing, Clubhouse, Site Plan Approval  
Public Hearing  
(Decision Deadline: 65 days from close of hearing)**

Mr. Gordon said SSR Realty has asked for an extension and a continuance, and the Board has granted it, to July 10, 2003, at 7:05 P.M.

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**8:05 P.M.      Wetherburn Heights, Definitive Subdivision Plan  
Continued Public Hearing (from April 10, 2003)  
(Decision Deadline: June 16, 2003)**

Mr. Gordon said Abu Construction has sent a letter requesting a continuance and granting the Planning Board an extension to August 15, 2003. The Board accepted the extension and granted the continuance to July 10, 2003, at 7:20 P.M.

**8:20 P.M.      Minna Terrace – Senior Housing, Site Plan Approval/Special Permit  
Continued Public Hearing (from April 10, 2003)  
(Site Plan Approval Deadline: 65 days from close of hearing)  
(Special Permit Deadline: 90 days from close of hearing)**

Mr. Gordon read a letter requesting a continuance and granting the Planning Board an extension. The Board accepted the extension and granted the continuance to July 10, 2003, at 7:35 P.M.

**8:35 P.M.      Summit Ridge Estates, Definitive Subdivision Plan  
Continued Public Hearing (from April 10, 2003)  
(Decision Deadline: July 15, 2003)**

Attending the hearing were Attorney George Kiritsy – representing Blair Builders; David Parmenter – the builder; Cle Blair, Jr. – the developer; Kevin McGee – from Blair Builders; and Kelly Killeen – from Coler and Colantonio.

Attorney George Kiritsy said they have not closed with the Conservation Commission. Attorney Kiritsy gave the Board a letter of extension to August 15, 2003.

Attorney Kiritsy said all of Engineering's comments have been incorporated into the plans and a final draft has been executed and submitted to the Town tonight.

Mr. Rodolakis asked if everything had been resolved with the neighbors. Attorney Kiritsy said yes, and they have submitted plans, but there is one neighbor who has not executed, although he has numerous assurances that he will.

Mr. Gordon asked if they were all set with Fay Spofford and Thorndike. Attorney Kiritsy said they should have the final work by next month.

Mr. Denoncourt commented that the actual Hill Street Pump Station question was actually agreed as part of Gulfview, that they would evaluate the Hill Street Pump Station. He said Gulfview, who actually contracted Fay Spofford and Thorndike to do the work. He said regardless of this Board's approval, the Sewer Commission, and the D.E.P., would require and upgrade of that pump station before additional flow was added. Mr. Gordon added that it could go in the Board's decision. Mr. Denoncourt said that was correct.

Mr. Gordon continued the hearing to July 10, 2003, at 7:50 P.M.

**4. New Business**

**a. Election of Officers for 2003 – 2004**

The Board voted the following officers:

Chairman – Melvin P. Gordon

Vice-Chairman – Jonathan B. Wright

Clerk – Jill R. Myers

**b. Sign Forms for Recording of Plans at Worcester District Registry of Deeds**

The Board signed the form for the recording of plans at the WDRD.

**c. Boston Hill Access Driveway, Progress Update**

Doug Vigneau, from the BSC Group, representing the Boston Hill Corporate Center, attended the discussion. Also attending was Charles Sanderson, one of the owners of the Boston Hill project.

Mr. Vigneau said they have been following up in recent months with progress reports to the Board. He said they understand that the Board is concerned with the signalization of the Olde Shrewsbury Village and Valente Drive and Route 20.

Mr. Vigneau said the 75% design plans that were approved with comments from MHD came back from Boston. He said they approved the original. He said the District then decided that rather than having two-through lanes in one-through direction and one lane in one direction, they instead wanted two-through lanes in each direction, and left-hand turning lanes, both in Valente Drive and Olde Shrewsbury Village.

Mr. Vigneau said they have taken over from the previous company that was working on this. He said it took some time to get the CAD drawings from them, but they have them now, and their transportation group at BSC is currently working on the new plans.

Mr. Vigneau said they are continuing to work on plans with Mass. Highway

Mr. Vigneau said on the May 28, 2003 letter to the Board, discussing the signalization of the intersection.

Mr. Vigneau said they will not be able to meet the Planning Board's earlier requirement that the signal be in place by July 1, 2003. He said they expect that by the middle of July to the end of July, that they will have the full 100% design plans approved by MHD, and they are fully prepared to get into construction soon afterwards. He said Mr. Sanderson ordered the mast arms and signal equipment that is required, at the end of May 2003, and there is a three to four month timeframe to get that hardware delivered.

**4. New Business (Cont'd)**

**c. Boston Hill Access Driveway, Progress Update (Cont'd)**

Mr. Vigneau said, as far as widening the road, and getting that accomplished, that might be able to be done earlier then putting the signals in. He said he believes the construction period will last two to three weeks, and that's primarily because of the widening.

Mr. Gordon said read the letter from the Police Chief dated May 28, 2003. Mr. Vigneau said he did not see this.

Mr. Capalbo asked if this was going to be done in two phases – one being the roadwork and the second being the signalization. He expressed concern that the dates can be met and there is no slippage to the dates they are presenting. Mr. Gordon said they are giving a schedule that basically runs out to November, 2003, giving a month that will be the end of the year, requiring monthly reports on the status, by letter. He said if a date is missed, they will have to come back in or the modification is rescinded.

Mr. Vigneau said they can't go past November 15, 2003, for the roadwork because the asphalt plants close, so they are asking the Board and Mass. Highway, if they see the signals are coming in later, they would ask if they can do the widening work, so they could meet the time period, and make sure that they had the appropriate pavement down prior to the closure of the closure of the asphalt plants.

Mr. Wright asked, if it is done in two phases, would the road widening be open for use. Mr. Vigneau said Mass. Highway would not allow them to open up anything until the new signal is in place, so if it was a matter of temporary striping to keep that same white line on the outside, then they will put down the white line and there would be the additional pavement where people could wonder into it, but that would not be a travel lane at that point.

Mr. Wright expressed concern about people crossing over four or five lanes to get across, as opposed to two lanes. Mr. Vigneau said there is less widening at the intersection than there is further down.

Mr. Gordon reviewed that the Board will still be informed by letter once a month, and if there is a glitch, BSC and Boston Hill Corporate Center will be at a meeting, if there is not a letter, the modification is rescinded.

Mr. Gordon asked about the status of the MEPA filing regarding Walnut Street. Mr. Vigneau said the Walnut Street sewer is being filed under the Southwoods project – Kevin Giblin. He said that area of Walnut Street has been identified as a severe area for septic systems in the Comprehensive Wastewater Management Plan. He said they looked to that as mitigation to an existing environmental issue and regardless of the issue of Boston Hill Corporate Center, the sewer will be in place prior to anything going on with Boston Hill.



**4. New Business (Cont'd)**

**c. Boston Hill Access Driveway, Progress Update (Cont'd)**

Mr. Vigneau said the MEPA process needs to be completed prior to any connection of any sewerage from Boston Hill, so the sewer in Walnut Street serves the Town, and in fact, the proposed subdivision will be tying in, but the additional properties of Mr. Sanderson will not be tying into the Walnut Street sewer, but will cut across to the pumping station. He said the pumping station has been sized for the development of the Boston Hill Corporate Center, as well as the larger watershed in the area. He said Mr. Giblin, of Southwoods, signed the project change notices.

Mr. Gordon said he has one other issue, part of which is not enforceable by the Planning Board, with that being an industrial driveway that leads up to Northboro and Westboro, the Town knows they are not going to give Boston Hill any building permits until the signals are in. He stated that the Town cannot require Northboro and Westboro not to give you building permits, so the Town would ask that Boston Hill consider that nothing be done until these signals are in for the safety of all people concerned.

Mr. Gordon said the Town will probably ask Northboro and Westboro to consider it, as the Town realizes that they cannot enforce that. Mr. Sanderson assured the Board that they will not be building anything on Boston Hill, in Northboro or Westboro, until the signals are in place. He said he will supply a letter stating this.

The Board voted unanimously to approve the modification subject to a monthly report being provided, or the modification with the Town will be rescinded.

**d. Discussed/Approved Bond Amount and Covenant Release for Dorothea Estates**

Mr. Denoncourt said the detention basins were sodded, but they have not met the requirement for growth and stabilization, so the applicant is requesting that the Board sign the Covenant Release, and have it held in the Engineering Department, so they won't have to wait until July.

The Board approved the bond amount and voted to approve the Covenant Release for lots 3 through 21, inclusive, to be held in the Engineering until they are satisfied with the detention basin, and when they receive the Bond from Toll Brothers.

**e. Bond Reduction for Shannon's Woods**

The Board voted to approve the two bond reductions for Shannon's Woods Subdivision.

**4. New Business (Cont'd)**

**f. Jamestown Heights, Open Space Easement**

Attending the discussion was Robert and Cynthia Trocki, 43 Olde Colony Drive.

Mr. Gordon said this was a conventional subdivision, and it was built in an area that the neighbors called Prospect Woods and there was controversy about it being built. He said the developer agreed that while he was in control of the land, there would be a 25-foot no build space that was to be left open until lots were sold off and the subdivision was finished. He said there seems to be some confusion about it.

Mr. Gordon asked Mr. Denoncourt if the subdivision was completed. Mr. Denoncourt said the street on this portion of the subdivision, along with the intersecting street have both been accepted at Town Meeting. He said there is another small street down below, which is a cul-de-sac extension of an existing road with three lots. He said that portion of the street has not been accepted.

Mr. Gordon told Mr. and Mrs. Trocki that although it is closed, he thought that the Board would give them a limited time to explain your position. He explained that the Board is limited on what they can do, as this was a conventional subdivision and not a cluster subdivision. He said in clusters, the Board can require open space and conventional subdivisions, the Board can request that the subdivider leave some space open until the subdivision is finished.

Mrs. Trocki said they asked to speak at this forum because the open space easement for Jamestown Heights was discussed and accepted at this kind of meeting. She gave a timeline from Town Meetings and Quotes from the discussions specifying this housing project.

Ms. Trocki explained that their abutting neighbors have gone into the buffer area, cleared brush, leaves and trees less than 6 inches in diameter. She said they are dumping piles of grass in this buffer area. She said these piles are beginning to small, as well. She said this clearing and the planting of other trees, have altered what the buffer area was supposed to be. She said they also have put up a fence. She stated that they now have standing water out there that they didn't have before.

Mr. and Mrs. Trocki said they believe the Board and the abutters of Jamestown Heights need to hold the builders and the owners of the homes in Jamestown Heights accountable to the Town to leave the open space as it was intended to be. They asked the Board to hold developer's bond to insure the abutters get fully redeemed from the project and its effect on their property.

**4. New Business (Cont'd)**

**f. Jamestown Heights, Open Space Easement**

Mr. Rodolakis said, looking at the easement, it appears that the only people who have standing to enforce the violation of the easement are the other lot owners within Jamestown Heights and the developer, as long as he retains a lot in Jamestown Heights. He said once the developer sells all the lots in Jamestown Heights, he loses the right to enforce it, under the "Remedies" provision, paragraph #12.

Mr. Rodolakis said the Trockis are on Old Colony Drive, so they are not part of the Jamestown Heights subdivision, so he questions whether they have any rights. He said it doesn't appear from that document, which he just read quickly, that they would have any rights to enforce what they believe to be a violation of the open space easement. He also stated that he didn't think that the Town has any rights to enforce a violation of this easement, as written, unless they can point to something that was in the prior Planning Board's decision regarding this, with a condition of our approval, no cut, no build.

Mr. Trocki asked what was the purpose of an open space easement if it's not to remain open? Mr. Gordon said the Town wasn't a part of the easement, and said that he thinks that the markers that were mentioned, were markers that the developer put in. Mr. Denoncourt said that was true, the Town did not install the markers, he believed the developer did.

Mr. Gordon said regarding the water in their backyard, that basically in a subdivision, the post run-off is not supposed to be any different than the pre-run-off, so there might be some recourse there.

Mr. Gordon said everything that was presented to the Board, because it's a conventional subdivision, appears to be a private matter between private people. He said he thinks for enforcement, they would have to go against their neighbor or the developers, but the Board couldn't be a part of it.

Mr. Rodolakis said the previous Board's Decision says, which was highlighted by the Trockis, is Condition #3, "The easement, located to the north and south of Cranbrook Road, shall be labeled as an open space and drainage easement, All bearings and distances for all easements shall be provided." He said how the developer effectuated the easement was through a recording the Declaration of Open Space Easement, which benefited all other lots within the Jamestown Heights subdivision. He said there's a possibility that you're an abutter, maybe you have some private rights to enforce the no-cut, no build. He said they would have to talk to a lawyer about that.

Mr. Trocki said during the discussion phase, it was clear that the abutters had the concerns, so if these abutters have these concerns with open space, and the builder put them in the plan, isn't it implied that is for the benefit of the abutters. He said now it seems that's being taken away. He said the owners within the subdivision aren't the ones that have the concern about the open space.

**4. New Business (Cont'd)**

**f. Jamestown Heights, Open Space Easement**

Mr. Rodolakis said if the Trockis know any of the owners of Lot #1, #7 through #20, inclusive, #26, #27, and #29, they may want to ask them if they would be interested in enforcing what the Trockis believe to be a violation. Mr. Trocki said the property is Lot #8 and Lot #7 has also put a fence, and the owners of Lot #9 have told them they plan to do the same.

Mr. Gordon said the advice the Board can give you, is that the Board controls in the subdivision while the subdivision is being constructed, but once the subdivision has been constructed out, the Board loses any standing that is not in violation of the Board's rules and regulations or the Decision. He said it appears from everything that the Trockis have said and everything that they've presented to the Board, and the things that were presented by some of their neighbors, that this is a private matter, that he would suggest one or all higher an attorney, if they want to pursue it.

Mrs. Trocki asked if the Board had the bond, is that bond released because the roads were accepted. Mr. Gordon said that was right.

Mr. Rodolakis asked if they have alleged that the developer has created this onflow of water. Mrs. Trocki said she thinks it's from watering the new trees that they've put in. He said that would not appear to be Mr. Abu's issues. Mr. Gordon said it would be a private issue between the neighbors.

Mr. Trocki asked although the bond is still open on one section, the Town does not have authority over any other part of the subdivision? Mr. Gordon said he didn't think the Board any authority over this.

**g. Hook Property Land Sale, MGL Chapter 61A, Section 14**

Mr. Gordon read a letter from Peter Hook, certified addressed to the Board of Selectmen. He said Mr. Hook is requesting that the Board either recommend to the Town or not recommend to the Town that a parcel of his land be purchased. He said if it is not purchased, there is another plan that he has for it.

Mr. Denoncourt said this piece of property is actually part of the possible routes for the proposed connector road between Route 20 and Pine Street in Grafton. He said this proposed land sale would actually allow them to take a route that would have the least impact on wetlands. He said it's a Town project, but it's currently being funded and processed by WBDC.

Mr. Gordon followed up that the Board needs to recommend that the Town not purchase it, WBDC will be able to purchase it as part of the right-of-way.

The Board unanimously voted to recommend that the Board of Selectmen take a pass on purchasing the Hook property, so that WBDC can go forward with it's purchase and sale agreement.

**5. Old Business**

**a. Discussed/Signed Decision for Five Pillar Center**

Mr. Gordon said this hearing was closed and some new information has been submitted since that time. He said one of the concerns is there may be a notice issue; and there is some confusion between the Building and Fire Departments, and the Engineering Department, as to the locations of the Five Pillar Center.

Mr. Denoncourt said, as it was discussed last month, the plans that were provided showed both the Five Pillar Center and a proposed future development of residential apartment unit. He said both proposals were shown on one plan. He said the decision would have to reflect the plans that are on file and currently Engineering does not have a set of plans on file that show only the Five Pillar Center. He said it is his recommendation that before the Board approves the Site Plan application, Engineering and the Board receive plans that show a separation and show only the Five Pillar Center.

Mr. Denoncourt said there are other issues that have been raised. He said revised plans have been submitted to the Building Inspector and Fire Chief that show alternate building locations, and that would be an actual change in the lay-out plans, and a location that would be less than 50 feet between buildings, which is in violation of zoning.

Mr. Denoncourt said the decision deadline is before their next scheduled meeting is July 10, 2003.

Mr. Denoncourt said he spoke with the engineer, Andrew Liston, on this afternoon, and apparently he is having a little communication difficulties with the applicants in trying to make a decision as to how they want to approach the application, and whether or not they want to withdraw or revise the plans.

The Planning Board voted to deny the Site Plan, as written in their decision.

**b. Discussed/Signed Decision for Silver Gate Farm**

The Planning Board voted to approve the Decision for Silver Gate Farm, with Mr. Rodolakis abstaining from the vote.

**6. Correspondence**

**7. Miscellaneous**

- a) Mr. Gordon announced that the Town Manager has reappointed Jill R. Myers to another five-year term on the Planning Board, and that John D. Perreault has been reappointed to be a Special Permit alternate member.
- b) Mr. Gordon listed some of the correspondence for the month.
  - A letter from Enaya Place, and if the proposal is filed, it will go before the Zoning Board of Appeals.
  - Judy Barrett's powerpoint presentation. He commented that it was an excellent presentation.
  - A report on how the Town of Marlboro is dealing with a Chapter 40B project.

Respectfully Submitted,

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*Annette W. Rebovich*